IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 25TH JULY 2007 / 3RD SRAVANA 1929

WP(C).No. 11842 of 2006(I)

PETITIONER:

THE PARENTS TEACHERS ASSOCIATION,
REP. BY THE PRESIDENT,
B.PREMPRAKASH, PRESIDENT,
THE PARENTS TEACHERS ASSOCIATION,
B.E.M.HIGH SCHOOL, KASARAGOD.

BY ADV. SRI.KALEESWARAM RAJ

RESPONDENTS:

1. STATE OF KERALA,
REP. BY THE SECRETARY TO GOVERNMENT,
DEPARTMENT OF GENERAL EDUCATION,
SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DEPUTY DIRECTOR OF EDUCATION,
KASARAGOD.

3. THE DISTRICT EDUCATIONAL OFFICER,
KASARAGOD.

4. THE CORPORATE MANAGER,
ALL CSI SCHOOLS IN MALABAR AND WAYANAD,
DIOCESAN OFFICE, BANK ROAD,
KOZHIKODE.

5. SIJU.N.L,
PHYSICAL EDUCATION TEACHER,
B.E.M.HIGH SCHOOL,
KASARAGOD.

BY ADV. SRI.N.N.SUGUNAPALAN (SR.)
SRI.S.SUJIN
SRI. K.V. MANOJ KUMAR, GOVERNMENT PLEADER
SRI. P.C. SASIDHARAN, SC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 25/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: TRUE COPY OF THE RESOLUTION OF THE P.T.A MEETING HELD ON 28.02.2005.

EXT.P2: TRUE COPY OF THE CERTIFICATE DATED 12.05.2005 ISSUED BY THE HEADMASTER, BEM HIGH SCHOOL, KASARAGOD.

EXT.P3: TRUE COPY OF THE JUDGMENT DATED 27.07.2005 IN W.P.(C). NO. 17797 OF 2005.

EXT.P3: TRUE COPY OF THE JUDGMENT DATED 27.07.2005 IN W.P.(C) NO. 17797 OF 2005.

EXT.P4: TRUE COPY OF G.O.(RT) NO. 5994/05/G.EDN DATED 28.12.2005.

EXT.P5: TRUE COPY OF THE NOTE OF ARGUMENTS SUBMITTED BY THE PRESIDENT OF PARENT TEACHERS ASSOCIATION BEFORE THE 1ST RESPONDENT.

EXT.P6: TRUE COPY OF THE T.P MESSAGE DATED 31.07.1992 ISSUED BY THE 1ST RESPONDENT TO THE 2ND RESPONDENT.

EXT.P7: TRUE COPY OF THE EXAMINATION CALENDER FOR FEBRUARY 2005 PUBLISHED BY THE PUBLIC SERVICE COMMISSION.

/True Copy/

P.A to Judge.

KURIAN JOSEPH , J

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W.P.(C) NO. 11842 OF 2006

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Dated this the 25th day of July, 2007.

JUDGMENT

The writ petition is filed with the following prayers:

i. to issue a writ of certiorari quashing Ext.P4 as unjust, illegal and unconstitutional.

ii. to issue a writ of mandamus directing the 1st respondent to take effective steps to ensure that only Kannada knowing teachers also are appointed in linguistic minority school.

2. It is submitted that Ext.P4 Government order does not serve the purpose for which the law is made for appointing teachers in Kannada medium schools. It is for the petitioner to point out the same before the 1st respondent in which case the matter will be duly considered by the 1st respondent and appropriate action, in accordance with law, in the matter will be taken for ensuring that the benefit actually goes to the deserving, within another four months.

The writ petition is disposed of accordingly.

KURIAN JOSEPH, JUDGE.

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